information society, the access/bottleneck nature of the telephone local loop will take on greater significance").

Although the broadband transport market may ultimately become vigorously competitive, it is not close to that level today. Wireless, satellite, and broadband powerline services have yet to establish themselves as serious alternatives to DSL and cable modem services.[38] Further, head-to-head competition between cable and DSL is generally limited to residential markets. Yankee Group, *Cable and DSL Battle for Broadband Dominance* (Feb. 2004), at 4 (emphasis added) ("*DSL operators dominate* the U.S. [small business] broadband and enterprise remote-office broadband market"). Thus, most relevant geographic markets are characterized (at best) by duopoly competition that the courts, antitrust authorities and the Commission have recognized is generally insufficient to assure competitive market outcomes.[39] In its *Mass Media Ownership Order*, the Commission held that "both economic theory and empirical studies" indicate that "five or more relatively equally sized firms" are necessary to achieve a "level of market performance comparable to a fragmented, structurally competitive market." 18 FCC Rcd. 13620, ¶ 289 (2003).

The paucity of broadband alternatives is exacerbated by the relatively high costs incurred by subscribers in switching providers. These costs prevent effective competition, because "consumers cannot compare and choose between various service plans and options as efficiently." *Cellular Telecomm. & Internet Assoc.* v. *FCC*, 330 F.3d 502, 512 (D.C. Cir. 2003). As AT&T and others explained in considerable detail in response to BellSouth's Request for

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[38] *See, e.g.*, *Ex Parte* Letter from David Lawson, AT&T, to Marlene Dortch, FCC, at 8-9 (filed CC Docket No. 01-338 *et seq.*, Apr. 15, 2004).

[39] *FTC* v. *H.J. Heinz Co.*, 246 F.3d 708, 717 (D.C. Cir. 2001); United States Department of Justice/Federal Trade Commission, *Horizontal Merger Guidelines*, Section 2 (rev. Apr. 8, 1997); *EchoStar-DirecTV Merger Order*, 17 FCC Rcd. 20559, ¶ 103 (2002).

Declaratory Ruling in WC Docket No. 03-251, most broadband subscribers are unwilling to switch broadband transport providers just to obtain telephone services from another provider. As anyone who has purchased DSL or cable modem service is well aware, there are significant set-up costs for broadband service: most broadband subscribers will want to avoid the time and effort needed to install a new service and iron out its bugs. In addition, when a subscriber loses her DSL or cable modem account, she also typically loses her e-mail address. This is an obvious source of customer inconvenience and confusion, further discouraging changes in broadband suppliers. For example, a small business subscriber would have to send a change of e-mail address to all of its e-mail contacts to inform them that its address had changed. Similarly, a person that sells merchandise on eBay would need to update her profile and inform all prior purchasers of her new e-mail address. Switching broadband providers (where possible) can also still leave a temporary gap in coverage, and require a subscriber to re-establish formats, support, and passwords for web pages and Internet-provider services. The market power implications of this lock-in effect are comparable to those that the Commission has found to justify its local number portability and wireless number portability requirements. *See First Number Portability Order*, 11 FCC Rcd. 8352, 8368, ¶¶ 30-31 (1996); *Third Number Portability Order*, 13 FCC Rcd. 11701 (1998).

There are numerous ways in which network access providers could leverage their control of last mile transport facilities to engage in predatory behavior against their VoIP rivals. The Bell practice of requiring customers who purchase DSL to also purchase a POTS line will hamper customers who wish to use DSL and competitive VoIP services without maintaining a POTS line.[40] Alternatively, network access providers could simply block their DSL or cable

[40] *See supra* n.36.

modem customers from reaching VoIP rivals' servers and websites, or provide that access under patently inferior terms relative to their own Internet content. Alternatively, they could use anticompetitive tying policies, such as requiring customers to purchase broadband access/VoIP bundles. Broadband subscribers would be far less willing to purchase VoIP services from their transport provider's rivals if they are already effectively locked into purchasing VoIP service from the transport provider.

The Commission has recognized these concerns. In the AT&T-MediaOne merger, the Commission concluded that "the imposition of proprietary architecture and protocols for broadband Internet applications would pose a serious threat to openness, diversity and innovation of the Internet and the development of competition in the provision of broadband services" and "that, to the extent possible, these broadband applications and content have the ability to interface with the full range of competing broadband [transport] technologies." Memorandum Opinion and Order, *Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from MediOne Groups Inc., Transferor to AT&T Corp., Transferee,* 15 FCC Rcd. 9816, ¶ 124 (2000) ("*AT&T-MediaOne Merger Order*"). Thus, the Commission approved the AT&T-MediaOne merger after concluding that no such threat was imminent and committing to "monitor[] . . . broadband developments." *Id.* ¶ 125; *see also id.* ¶ 128 (stating that the Commission would abandon its "hands-off" policy if it were to find that AT&T-Comcast "successfully enter[ed] into exclusive agreements with broadband Internet content or applications providers so as to disadvantage competing broadband providers"). And in the AT&T-TCI merger, the Commission approved that combination only after the parties had expressly agreed that subscribers would have an unimpeded right to reach any Internet website. Memorandum Opinion and Order, *Applications for Consent to the Transfer of Control of*

Licenses and Section 214 Authorizations from Telecommunications Inc., Transferor, to AT&T Corp, Transferee, 14 FCC Rcd. 3160, ¶¶ 93-96 ("*AT&T-TCI Merger Order*").

This does not mean that the Commission should, at this time, create new "forced access" regulations of the type it rejected in the *Cable Modem Declaratory Order*. Rather, as detailed below, the Commission should impose targeted regulation that prohibits the most patently anticompetitive conduct. Properly tailored regulation of this kind should impose little burden on broadband transport providers.

As SBC's Declaratory Order Petition confirms, the Bells instead seek to use this proceeding as a vehicle for complete deregulation at the network level without regard to market power concerns. SBC seeks complete deregulation of "IP platform services," which it defines as "(a) IP networks and their associated capabilities and functionalities (*i.e.*, an IP platform), and (b) IP services and applications provided over an IP platform that enable an end user to send or receive a communications in IP format." SBC Pet. at 28. In other words, SBC would have the Commission not only deregulate IP-enabled *applications*, but also any facility or service to which the "IP-enabled" label could be affixed. SBC Pet. at 29. There is no more serious error that the Commission could make. And no such approach could be reconciled with the Commission's repeated recognition of the ability of firms that control last-mile transmission facilities to leverage that power into downstream markets.

The *Notice*, unfortunately, falls into this trap, suggesting that no market power concerns are present because of the likelihood that IP-enabled services will be provided by "multiple" services providers. *Notice* ¶ 74. AT&T fully agrees that, if networks are open, sufficiently vibrant *retail* competition for IP-applications can be expected to develop and to prevent providers from imposing unjust, unreasonable and discriminatory terms and conditions for their

services. Thus, as detailed above, economic regulation of IP-enabled applications will generally prove unnecessary. *Accord, LEC Classification Order* ¶ 88; Order, *Motion of AT&T Corp. to be Classifies as a Non-Dominant Carrier*, 11 FCC Rcd. 3271, ¶¶ 16, 27 ("*AT&T Non-Dominance Order*"). But, for the reasons stated, there is not today sufficient diversity of broadband transport options to be confident that consumers and IP-application providers will be able to obtain nondiscriminatory access to broadband transport.

AT&T requests that the Commission make two basic findings at this time. *First*, the Commission should adopt regulations that ensure that retail customers of the broadband transmission and ISP services of any provider should be free to access any web site for any purpose of the customer's choosing – including to access other providers of VoIP and other IP-enabled application platforms – without interference or other influence of the broadband services provider. *Second*, the Commission should confirm that established economic and policy principles determine whether it grants relief from core Title II obligations that apply to network facilities, rather than the label affixed to those facilities.

A. An Open Internet Is Essential To The Competitive Development Of IP-Enabled Services.

The Internet has flourished to date because of openness. Network owners do not tell narrowband subscribers which websites they can visit or which applications they can run over their Internet connections (subject only to legitimate law enforcement or network integrity concerns). Knowing that customers have unimpeded access to Internet content in turn has given content providers the incentive to invest heavily in developing unique applications and services.

Now, as broadband subscribership has reached a critical mass, a new generation of IP applications is poised to emerge. But these demand-intensive information services will be useable only if broadband Internet subscribers can access the information service provider's

websites without interference. If there is even a serious risk that such access can be blocked by the entities that control the last mile network facilities necessary for Internet access, the capital markets will not fully fund IP-enabled services. Thus, the open model that has been the hallmark of the narrowband Internet should be extended to the broadband Internet. AT&T commends the cable industry for voicing support for this approach.[41]

To accomplish this goal, the Commission should forbid any entity providing broadband access from impeding access to the Internet content of another applications provider, except where such access would threaten the integrity of the network or where required by law. Moreover, the Commission should forbid broadband transport providers not only from blocking outright access to particular IP applications, but also from giving any kind of preferential access to their own IP applications or degrading access to rival IP applications. To the extent that "quality of service" routing is deployed that would give priority to voice packets in case of congestion, the Commission should make clear that network owners must make those capabilities available to unaffiliated VoIP providers on a nondiscriminatory basis, and may not favor their own VoIP packets over unaffiliated VoIP packets. This targeted regulation is necessary to ensure that subscribers choose the IP application that they want to access, not the IP application preferred by the broadband transport providers with essential last-mile facilities.

AT&T emphasizes that it is *not* seeking the "open access" leasing of last-mile broadband transmission facilities that the Commission is considering in its cable modem dockets. Rather, as described above, the Commission can directly prevent anticompetitive use of broadband transport facilities and foster unimpeded access to IP applications with modest technology-neutral *conduct* regulation that merely prohibits broadband carriers from discriminating against

[41] *See supra* p. 9, n.2.

unaffiliated IP applications and content, while otherwise giving these carriers substantial flexibility over the scope and terms of their service offerings.

B. The Commission Should Prohibit Network Owners From Denying Broadband Service To Consumers That Do Not Purchase Another Service From The Network Owner.

As the Commission is well aware, the Bells are refusing to sell broadband Internet access to any customer that does not purchase the incumbents' voice service. This practice is clearly designed to entrench the incumbent LECs' local voice monopolies. The incumbents know that their DSL subscribers are often unwilling – or simply unable – to switch broadband service providers to obtain voice services from another carrier. Thus, by punishing DSL subscribers that would deal with local voice rivals, the incumbents have taken anticompetitive advantage of the high costs of switching to alternative broadband providers as a mechanism to prevent competition for those customers' voice service.

Allowing the incumbent LECs to continue this practice threatens to devastate nascent VoIP services that, as the Chairman recently recognized, might otherwise pose a direct threat to the incumbents' local monopolies. *Powell Says FCC Is Devising Ways To Deal With 15% Problem*, Communications Daily (May 5, 2004) ("If you're a big incumbent and you sort of enjoy the competitive advantages of being the owner of that kind of service system, you, in my opinion, ought to be terrified [of VoIP]"). Many VoIP subscribers may ultimately decide to drop their existing POTS service and instead use their DSL connection for both Internet access and voice. But given that existing DSL subscribers generally will not drop DSL service in order to choose a rival traditional voice carrier – it is quite likely that the incumbent LECs can profitably impose this requirement in the VoIP context as well, and thereby immunize themselves from VoIP competition. Voice telephone subscribers are simply not going to pay additional money

for VoIP service that provides them with functionality comparable to the telephone services that they must purchase from the incumbent in any event.

The incumbent LECs' current practice, of course, is only a single example of the many ways in which they could take advantage of their enormous DSL customer base to prevent VoIP competition. Instead of requiring subscribers to purchase POTS service as a condition of obtaining DSL service, an incumbent could just as easily require all DSL subscribers to also purchase the incumbent's VoIP service. This would make it effectively impossible for rival VoIP providers to sell service to the incumbent's DSL customer base, for those customers would clearly be unwilling to pay twice for the same service. To prevent market power abuses of this kind, the Commission should broadly prohibit any broadband transport provider from requiring subscribers to purchase any IP-enabled service (or, in the case of incumbent LECs, local telephone service) as a condition of obtaining broadband Internet access service.

These targeted requirements would not prohibit legitimate bundling arrangements that offer broadband Internet access service and VoIP service (or any other IP-enabled service) together at a single price. Such bundling would still be allowed so long as the broadband transport provider also offered Internet access services as a stand-alone service. Instead, what would be prohibited is the refusal by a transport provider of basic broadband Internet access as a condition that a subscriber also purchase VoIP or other voice telephony offering.[42]

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[42] The Commission should establish safeguards, however, against price structures that would allow incumbents to effectively tie Internet access and IP-enabled services while nominally offering these two services separately. As the courts have recognized, a company is economically tying two products when it offers those products at a bundled price that is well below the *a la carte* prices, thereby making the bundled package the only realistic option for purchasers. *See Virtual Maintenance, Inc.* v. *Prime Computer, Inc.*, 957 F.2d 1318, 1323 (6th Cir.) ("A tying arrangement clearly exists here because the large price differential between software support alone and the software support/hardware maintenance package induces all rational buyers of Prime's software support to accept its hardware maintenance"), *vacated on*

This proposed rule is fully consistent with the Commission's *CPE Unbundling Order*. Report and Order, *Policy Rules Concerning the Interstate, Interexchange Marketplace, et al*, 16 FCC Rcd. 7418 (2001). In that proceeding, the Commission held that carriers could bundle customer premises equipment ("CPE"), telecommunications and information services (*i.e.*, offer such two or more of these products or services at a single price that is typically less than the individual prices for the products or services). However, at the same time, the Commission made clear that requiring that customers buy CPE or information service as a condition of obtaining local telephone voice service posed substantial concerns. The Commission recognized that if the incumbents were allowed to implement such a practice it would "discriminat[e] against customers who [would] purchase enhanced service [or CPE] from competitive suppliers" and thereby foreclose competition for the incumbent's CPE and information services. *Id.* ¶ 44. Thus, the Commission permitted the incumbents to offer bundled service only after assuring itself that the incumbents could not undertake such anticompetitive conduct because they were obligated under state law "to offer basic local exchange service on an unbundled, tariffed, nondiscriminatory basis," *id.* ¶ 44, and under federal law to comply with *Computer Inquiries* obligations to "acquire transmission capacity under the same tariffed terms and conditions as competitive enhanced services providers." *Id.* ¶ 43.

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other grounds, 506 U.S. 910 (1992); *Marts* v. *Xerox, Inc.* 77 F.3d 1109, 1113 (8th Cir. 1996) ("Even if the products are available separately, an illegal tying arrangement can exist if purchasing the items together is the 'only viable economic option'"). An incumbent could effectively tie its broadband DSL service and VoIP by, for example, offering these services separately for $50 a month each or combined for $55 a month. Alternatively, some network providers already could price basic broadband service at lower prices than the premium broadband service at sufficient speeds to support VoIP applications. The higher priced broadband service could be made available at a lower price when purchasing bundled premium broadband and VoIP service from the network provider. With such a pricing scheme, no incumbent DSL subscriber could realistically be expected to purchase VoIP services from any other provider.

The Commission's logic in the *CPE Unbundling Order* underscores the need for the Commission to hold that customers can continue to purchase broadband Internet access on a standalone, nondiscriminatory basis. In the context of IP-enabled services, broadband Internet access plays the same role that basic local exchange service plays in the context of narrowband information services – it is the fundamental means by which subscribers will gain access to IP applications. Thus, just at the Commission was vigilant in ensuring that carriers that controlled the narrowband telephone facilities could not tie basic local telephone services with CPE and narrowband information services, so too should the Commission hold that those carriers that control broadband transmission facilities may not tie broadband Internet access services with IP-enabled services.

C. Contrary To SBC's Claims, The "IP-Enabled" Tag Provides No Basis For Exempting ILECs From Core Title II Unbundling Requirements.

The incumbent LECs, presumably because they cannot make the showing necessary for forbearance from dominant carrier regulation, propose wholesale elimination of *all* applicable regulation for their "advanced" services. In its declaratory order petition, SBC requests that the Commission "definitively rule that IP platform services do not fit any of the service-specific legacy regulatory regimes in Titles II, III, or VI of the Communications Act, notwithstanding that particular applications riding on top of the IP Platform may have attributes of traditional services regulated under those Titles." SBC Pet. at 2. Thus, SBC asks for elimination from all existing requirements that Titles II, III and VI would impose on its "IP-platform services."

SBC, however, is characteristically vague about what an "IP-platform service" actually includes. SBC purports to define "IP platform services" as "(a) IP networks and their associated capabilities and functionalities (*i.e.*, an IP platform), and (b) IP services and applications provided over an IP platform that enable an end user to send or receive a communications in

IP format." SBC Pet. at 28. Because there is little debate that IP services that perform net protocol conversion or allow customers to manipulate data are "information services," it is clear that SBC's petition is principally about basic transmission services and the underlying facilities used to provide these services. SBC Pet. at 29.

In SBC's view, it can escape all regulation under the Communications Act simply by continuing the conversion to IP that all network owners are doing. To label this proposal as preposterous is charitable. It plainly cannot be reconciled with the Act, which explains SBC's parallel forbearance petition – a petition that AT&T demonstrates in a separate opposition must be denied in its own right.

It is impossible to overstate the sweeping nature of the relief requested by SBC. SWBT/Ameritech/PacBell/SNET/Cingular would be relieved of all Communications Act regulation of "IP networks" and "IP services" merely by virtue of their use of IP, without regard to whether these facilities and services would otherwise be subject to the Act. For example, *no IP service*, regardless of how basic a service, would need to be provided at just and reasonable rates, would be subject to tariffing requirements, and would have to comply with universal service and disability access obligations. Likewise, all unbundling obligations that currently apply to incumbent LECs or BOCs would be swept away to the extent they would touch an "IP facility."

SBC does not even attempt to reconcile this approach with the Act's language. Instead, it resorts to flag-waving: "A ruling that encompasses not only IP-based services but also the IP-enabled networks over which they are provided is necessary in order to create a rational, deregulatory framework for the Internet." SBC Pet. at 29. This is manifest nonsense.

That a network uses IP does not make the underlying network or the services provided over the network "information services." Under the Act, a facility cannot even be an "information service." *See* 47 U.S.C. § 153(20) ("information service means the *offering* of a capability . . . .") (emphasis added). The different concerns raised by application and network layers have always dictated different regulatory standards.

In fact, section 251(c)(3) and section 271 unbundling obligations are undisturbed in any way by the regulatory classification of IP-enabled services. Even if an ILEC currently used parts (or all) of its network solely to provide "information services" such as VoIP, that would have no impact on section 251(c)(3). The unbundling obligations of section 251(c)(3) apply to "incumbent local exchange carriers." Section 251(h) in turn defines an "incumbent local exchange carrier" as any local exchange carrier that provided "telephone exchange service in such area" as of February 8, 1996 and "that was deemed to be a member of the exchange carrier association pursuant to section 69.901(b) of the Commission's rules." Incumbent local exchange carrier status for purposes of section 251(c) thus does not turn on the extent to which an ILEC provides information services.

The Commission has also made clear that the Act's definition of "network element" includes not only facilities "used" by the incumbent to provide "telecommunications services," but that are "*capable*" of being so used. *Triennial Review Order* ¶ 59 (emphasis added). "To interpret the definition of 'network element' so narrowly as to mean only facilities and equipment actually used by the incumbent LEC in the provision of a telecommunications service . . . would be at odds with the statutory language in section 251(d)(2) and the pro-competitive goals of the 1996 Act." *Id.* ¶ 60; *see also id.* ¶ 59 ("[T]aken together, the relevant statutory provisions and the purposes of the 1996 Act support requiring ILECs to provide access to

network elements to the extent that those elements are capable of being used by the requesting carrier in the provision of a telecommunications service"). The Commission has likewise made clear that so long as a competitive carrier uses a UNE to provide a qualifying "telecommunications service," it may provide any other service as well, including information services. *Id.* ¶ 146.

Similarly, the statutory classification would do nothing to eliminate the BOCs' unbundling obligations under section 271. Those obligations apply directly to BOCs that have obtained long distance authority and are not limited to merely providing "telecommunications" facilities, but require entire classes of facilities (loops, transport, switches) to be unbundled without restriction.

SBC also errs in equating individual "IP-platform services" with "information services." According to SBC, "IP platform services . . . bear attributes of information services no matter what the individual application." SBC Pet. at 44. Although many IP platform services will in fact be "information services," it does not follow that all such services necessarily are information services, especially the basic transmission services included in SBC's elastic definition of what constitutes an IP platform service. Indeed, since the *Frame Relay Order* (Memorandum Opinion and Order, *Independent Data Communications Manufacturers Association, Inc. Petition for Declaratory Ruling Regarding AT&T's Interspan Frame Relay Service*, 10 FCC Rcd. 13717 (1995)), it has been settled that network facilities and services do not become "information services" simply because they use an advanced protocol. When the service "offers a transmission capability that is virtually transparent in terms of interaction with customer supplied data," the service is a basic transmission service and not an information service. *Id.* ¶ 34.

SBC suggests that all IP services are "information services" because IP networks in general have the capability of "generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications," 47 U.S.C. § 153(20). But the relevant inquiry is whether a *particular* service offered to consumers has that capability, not whether *other* services actually or potentially offered over the same network have the capability. *See Cable Modem Declaratory Order* ¶ 35. Indeed, the Commission makes this point in the very passage of the *Report to Congress* cited by SBC. *Report to Congress* ¶ 59 ("*If the service* can receive enhanced functionality, such as manipulation of information and interaction with stored data, the service is an information service") (emphasis added). Indeed, if SBC were correct, then all basic transmission services would be information services because even POTS gives consumers the "capability" of reaching the public Internet.

Of course, to the extent that SBC can demonstrate that individual services that it offers are in fact information services, then, subject to dominant carrier regulation to prevent the leveraging of network level market power, SBC's services will be treated the same as other IP-application providers' services. But it would be folly – and reversible error – for the Commission to rule that all facilities and services magically attain Title I status once they are "IP-enabled." The Act and Commission precedent repeatedly distinguish between facilities and services of dominant and nondominant providers, and neither SBC nor the Commission is free to brush these distinctions aside merely by invoking the Internet.

Finally, SBC itself devastates the relief it is requesting. SBC asks the Commission to declare immediately that no regulation should apply to IP platform services pending a "rulemaking to consider whether any particular public policy mandates would be appropriate for IP platform services, including any that might be similar to those currently applied under

Title II" and to preempt any contrary state regulation. SBC Pet. at 42. SBC acknowledges, however, that the Commission has ample authority under Title I to regulate its IP platform services, and that many existing Title II regulations should ultimately be retained. The Commission cannot lawfully deregulate first and ask questions later, particularly where, as here, the proponent of deregulation admits that regulation is needed. *Farmers Union Central Exchange* v. *FERC*, 734 F.2d 1486 (D.C. Cir. 1984).

The Commission should also reject SBC's suggestion that there is an "IP-exception" to the *Computer Inquiries* rules, and instead clarify that the *Computer Inquiries* obligations extend to the IP-capabilities of incumbent LEC networks, and that incumbent LECs remain obligated to unbundle their network elements regardless of whether they use those facilities to provide information services.[43] To the extent that incumbent LECs can identify with specificity that it is technologically infeasible to "unbundle" the basic transmission capabilities used in their IP-enabled services, those claims can be addressed on a case-by-case basis and the mere possibility that such technical infeasibility may exist does not serve as a basis for eliminating altogether *Computer Inquiries* obligations.

The *Computer Inquiries* regime was enacted precisely to protect rival information services providers from anticompetitive conduct by entities that control last mile facilities necessary to provide information services. Thus, by preserving those rules that ensure equal wholesale access to broadband networks, the Commission can ensure a vibrant market for IP applications that are provided over those broadband networks.

[43] Of course, to the extent that the ILECs are providing telecommunications services when they offer wholesale access to information service providers, that service is subject to the core requirements of Title II.

Certainly, there can be no claim that the Commission lacks authority to impose *Computer Inquiries* rules to IP-applications providers. These rules were promulgated pursuant to the Commission's Title I authority, *Computer II* ¶¶ 119-38. They applied to information services provided by facilities-based carriers, and were upheld by the courts as a valid exercise of the Commission's ancillary authority, *Computer and Communications Indus. Ass'n* v. *FCC*, 693 F.2d 198 (D.C. Cir. 1982). In fact, the Commission has been reversed by the courts only when attempting to weaken *Computer Inquiries* obligations. *California* v. *FCC*, 39 F.3d 919 (9th Cir. 1994); *California* v. *FCC*, 905 F.2d 1217 (9th Cir. 1990).

CONCLUSION

For the foregoing reasons, the Commission should adopt the regulations described above.

Respectfully submitted,

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May 28, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2004, I caused true and correct copies of the forgoing Comments of AT&T Corp. to be served on all parties by mailing, postage prepaid to their addresses listed on the attached service list.

Dated: May 28, 2004
Washington, D.C.

/s/ James P. Young

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